

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	:	
ANTHONY HOWARD,	:	
	:	
Plaintiff,	:	
	:	22-CV-8692 (VSB)
-against-	:	
	:	<u>ORDER</u>
	:	
CIRCADIAN FUNDING, LLC,	:	
	:	
Defendant.	:	
-----X	:	

VERNON S. BRODERICK, United States District Judge:

Plaintiff initiated this action by filing a complaint on October 13, 2022. (Doc. 1.) Defendant answered on February 3, 2023. (Doc. 23.) On February 28, 2023, I entered a case management plan and scheduling order. (Doc. 29.) On May 15, 2023, counsel for Plaintiff filed a motion to withdraw as attorney, (Doc. 30), explaining that “Counsel have made repeated attempts to reach Plaintiff since early April, 2023, but have received no response,” (Doc. 31). On May 22, 2023, I granted the motion to withdraw and ordered that the matter was to be stayed until July 24, 2023 to allow Plaintiff time to retain new counsel. (Doc. 34.)

On July 25, 2023, I entered an order lifting the stay and stating that because new counsel had not entered an appearance, I would consider Plaintiff to be proceeding *pro se*. (Doc. 35.) I also directed the parties to file a status update and amended case management plan, if necessary, on or before August 17, 2023. (*Id.*) This Order was served on Plaintiff via mail. On August 17, 2023, Defendant filed a status update explaining that Plaintiff has not timely responded to their discovery requests, some of which have been due since May 1, 2023. (Doc. 36.) Accordingly, I

hereby order that if Plaintiff fails to appear and prosecute this matter by September 5, 2023, the matter will be dismissed pursuant to Fed. R. Civ. P. 41(b). The Clerk of Court is respectfully directed to mail a copy of this Order to Plaintiff.

SO ORDERED.

Dated: August 21, 2023
New York, New York

A handwritten signature in black ink, reading "Vernon Broderick". The signature is written in a cursive, slightly stylized font. The first name "Vernon" is written in a larger, more prominent script, and "Broderick" follows in a similar but slightly smaller script. The signature is positioned above the printed name and title.

Vernon S. Broderick
United States District Judge